

LEGISLATURE OF NEBRASKA  
NINETY-EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 8**

Introduced by Executive Board: Engel, 17, Chairperson

Read first time January 9, 2003

Committee: Placed on General File

A BILL

1 FOR AN ACT relating to the Nebraska Commission on Local Government  
2 Innovation and Restructuring; to amend sections 77-913  
3 and 81-1113, Revised Statutes Supplement, 2002; to repeal  
4 provisions that terminated on July 1, 2000; to harmonize  
5 provisions; to repeal the original sections; and to  
6 outright repeal sections 13-2301 to 13-2304, 13-2306, and  
7 13-2307, Reissue Revised Statutes of Nebraska, and  
8 section 13-2305, Revised Statutes Supplement, 2002.  
9 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 77-913, Revised Statutes Supplement,  
2   2002, is amended to read:

3           77-913. The Insurance Tax Fund is created. The State  
4   Treasurer shall receive the funds paid pursuant to Chapter 77,  
5   article 9, and except as provided in sections 77-912 and 77-918  
6   shall keep all money received in the Insurance Tax Fund. Any money  
7   in the fund available for investment shall be invested by the state  
8   investment officer pursuant to the Nebraska Capital Expansion Act  
9   and the Nebraska State Funds Investment Act.

10           Prior to June 1 of each year, the State Treasurer shall  
11   disburse or allocate all of the funds in the Insurance Tax Fund on  
12   May 1 of each year as follows:

13           (1) Ten percent of the total ~~less one hundred thousand~~  
14   ~~dollars for fiscal year 1999-00~~ shall be allocated to the counties  
15   proportionately in the proportion that the population of each  
16   county bears to the entire state, as shown by the last federal  
17   decennial census;  ~~- The one hundred thousand dollars shall be~~  
18   ~~allocated to the Nebraska Local Government Innovation and~~  
19   ~~Restructuring Fund on or before August 1, 1999,~~

20           (2) Thirty percent of the total shall be allocated to the  
21   Municipal Equalization Fund; and

22           (3) Sixty percent of the total shall be allocated to the  
23   State Department of Education for distribution to school districts  
24   as equalization aid pursuant to the Tax Equity and Educational  
25   Opportunities Support Act as follows: The Commissioner of Education  
26   shall (a) include the amount certified by the State Treasurer  
27   pursuant to this section with the amount appropriated to the Tax  
28   Equity and Educational Opportunities Fund for distribution in the

1 ensuing school fiscal year, (b) include such amounts in the state  
2 aid certified to each school district pursuant to section 79-1022,  
3 and (c) distribute such funds as equalization aid under the  
4 provisions of the act during the ensuing fiscal year.

5           Sec. 2.     Section 81-1113, Revised Statutes Supplement,  
6 2002, is amended to read:

7           81-1113. The budget division shall prepare the executive  
8 budget in accordance with the wishes and policies of the Governor.  
9 The budget division shall have the following duties, powers, and  
10 responsibilities:

11           (1) Shall prescribe the forms and procedures to be  
12 employed by all departments and agencies of the state in compiling  
13 and submitting their individual budget requests and shall set up a  
14 budget calendar which shall provide for (a) the date, not later  
15 than July 15 of each even-numbered year, for distribution of  
16 instructions, (b) the date by which time requests for  
17 appropriations by each agency shall be submitted, and (c) the  
18 period during which such public hearings as the Governor may elect  
19 shall be held for each department and agency. The budget request  
20 shall be submitted each even-numbered year no later than the date  
21 provided in section 81-132, shall include the intended receipts and  
22 expenditures by programs, subprograms, and activities and such  
23 additional information as the administrator may deem appropriate  
24 for each fiscal year, shall be made upon a biennial basis, and  
25 shall include actual receipts and actual expenditures for each  
26 fiscal year of the most recently completed biennium and the first  
27 year of the current biennium and estimates for the second year of  
28 the current biennium and each year of the next ensuing biennium;

1           (2) Shall work with each governmental department and  
2 agency in developing performance standards for each program,  
3 subprogram, and activity to measure and evaluate present as well as  
4 projected levels of expenditures;

5           (3) Shall, following passage of legislative  
6 appropriations, be responsible for the administration of the  
7 approved budget through budgetary allotments;

8           (4) Shall be responsible for a monthly budgetary report  
9 for each department and agency showing comparisons between actual  
10 expenditures and allotments which report shall be subject to review  
11 by the director and budget administrator; and

12           (5) Shall be responsible for the authorization of  
13 employee positions. Such authorizations shall be based on the  
14 following:

15           (a) A requirement that a sufficient budget program  
16 appropriation and salary limitation exist to fully fund all  
17 authorized positions;

18           (b) A requirement that permanent full-time positions  
19 which have been vacant for ninety days or more be reviewed and  
20 reauthorized prior to being filled. If requested by the budget  
21 division, the personnel division of the Department of  
22 Administrative Services shall review such vacant position to  
23 determine the proper classification for the position;

24           (c) A requirement that authorized positions accurately  
25 reflect legislative intent contained in legislative appropriation  
26 and intent bills; and

27           (d) Other relevant criteria as determined by the budget  
28 administrator. ~~+~~ ~~and~~

1           ~~(6) Shall, beginning on July 1, 2000, administer any~~  
2   ~~grant approved by the Nebraska Commission on Local Government~~  
3   ~~Innovation and Restructuring which extends beyond June 30, 2000.~~

4           Sec. 3. Original sections 77-913 and 81-1113, Revised  
5   Statutes Supplement, 2002, are repealed.

6           Sec. 4. The following sections are outright repealed:  
7   Sections 13-2301 to 13-2304, 13-2306, and 13-2307, Reissue Revised  
8   Statutes of Nebraska, and section 13-2305, Revised Statutes  
9   Supplement, 2002.